

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.) 2:06cr169-WKW
)
)
CECILLO PACACHE;)
DEMETRIOS TERRELL PEGUES;)
CLIFF JOHNSON;)
TERRENCE ANTWAN JEROME NEWKIRK,)
 a.k.a. Rock and Rocky;)
CHARLES DANIEL CRAIG;)
KOWOSKY TYWAN CHRISTIAN;)
CHRISTOPHER IMAN ULMER;)
DEMETRIA MILLS;)
DARRYL LAMONT BROWN;)
DARNELL MONTREZE BROWN;)
RODRIGEZ CHILDRES;)
ROGER WALTON;)
JAMES EARL HUBBARD;)
JAMES CALVIN TALLEY,)
 a.k.a. Noosie;)
WILMONT TIMOTHY BARNETT;)
WILLIAM EARL ULMER,)
 a.k.a. Michael Ulmer.)

MOTION TO CONTINUE TRIAL

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and moves this Court to continue the trial in the above-referenced cause from its August 4, 2007 date. In support of this motion, the Government offers the following:

1. This case is set for trial on the August 4, 2007 trial term.
2. Several of the defendants have proffered information to the government in hopes that the government will file a motion for downward departure pursuant to U.S.S.G. § 5K1.1 and Title 18, U.S.C., 3553(e) based on the defendants' substantial

assistance to the Government.

3. It has been necessary to interview some of the cooperating defendants several times in order to get all of the information they have to offer the Government. Many of the cooperating defendants have yet to be interviewed a second or third time and have yet to complete their cooperation. The proffers that have taken place have proved lengthy.

4. Based on conversations with defense attorneys, the government expects other defendants will come forward and wish to cooperate with the government in hopes of reducing their sentences. The government expects these future proffers will be lengthy as well.

5. Moreover, because of the voluminous discovery, the government has agreed to help each attorney by directing the attorney to portions of the discovery that is most relevant to their client.¹ This process has necessitated more meetings with defense attorneys than in a normal case and has taken much time.

6. While the government and defense counsel have been diligent in attempting to complete the cooperation and discovery obligations, this process has proved more lengthy than originally contemplated.

7. A continuance of 30 days would allow cooperating defendants to complete their cooperation and allow the government and defendants to negotiate the guilty pleas prior to the trial date.

¹While the government is happy to assist in locating discovery for individual defendants, the government has made it abundantly clear that no defendant should rely solely on the government to pinpoint discovery relevant to him or her.

WHEREFORE, based on the foregoing, the Government requests a continuance in the trial date of at least 30 days.

Respectfully submitted this the 7th day of June, 2007.

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UNITED STATES ATTORNEY

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ASB-1613-N77A

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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

Respectfully submitted,

/s/A. Clark Morris
A. CLARK MORRIS
Assistant United States Attorney